

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

IN RE: POLK COUNTY DISTRICT
ASSOCIATE JUDGE ASSIGNMENTS
FOR 2018
AMENDED EFFECTIVE MAY 14, 2018

AMENDED
ADMINISTRATIVE ORDER 2018-13

To fully utilize Fifth Judicial District judicial resources and to promote the ideal of efficient court administration within the Fifth Judicial District:

IT IS SO ORDERED:

1. The provisions of this Order provide for and establish the assignment of judicial duties and responsibilities of all Fifth Judicial District Associate Judges in Polk County for the remainder of calendar year 2018 effective May 14, 2018.

2. District Associate Judges are assigned to preside over all judicial matters and proceedings within their jurisdiction as authorized by statute, including mental health, within the county of their residence and elsewhere in the Fifth Judicial District as assigned by the Chief Judge.

3. Judicial duties and responsibilities of the Polk County District Associate Judges, for purposes of assignment and administration are divided into thirteen (13) benches occupying courtrooms and chambers as follows:

Criminal #1	Courtroom 202A
Criminal #2	Courtroom 108
Criminal #3	Courtroom 211
Criminal #4	Jail Courtroom
Criminal #5	Courtroom 102
Juvenile Court	Courtroom 210 Justice Center
Juvenile Court	Courtroom 220 Justice Center
Juvenile Court	Courtroom 230 Justice Center
Juvenile Court	Courtroom 240 Justice Center
Juvenile Court	Courtroom 250 Justice Center
Juvenile Court	Courtroom 260 Justice Center
Trials/ Coverage/SC Appeals	Courtroom 209B
Trials/Coverage/SC Appeals	Courtroom 206

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CLERK DISTRICT COURT

4. Judges assigned to criminal courtrooms and trials shall be on rotating six-month terms. Assignments for 2018 are set forth in Exhibit "A" attached hereto. Judge assignments in future years shall be made pursuant to the assignment grid attached hereto as Exhibit "B."

5. The District Associate Judge assigned to courtroom 209B designated as the Trial Judge shall conduct criminal and civil trials and other proceedings within the jurisdiction of the District Associate Court. The District Associate Judge assigned to courtroom 206 shall also cover criminal trials and be assigned small claims appeals pursuant to Iowa Code Section 631.13 and civil actions for money judgment when the amount in controversy does not exceed \$10,000.00 as assigned by Court Administration. Both of these judges shall serve as a judicial resource for coverage and other matters as assigned by Court Administration.

Duties of Judges Assigned to Rooms 209B and 206.

A. Coverage. Judges assigned to Room 209B and 206 shall provide coverage to the other District Associate Criminal Courts as necessary. All jury trial and trial date pleas are to be scheduled for Courtroom 209B. If the 209B Judge is unavailable, the 206 Judge shall cover the trial date pleas. The 209B judge, if available, shall cover status conferences on Thursday afternoons in Room 108. If the 209B judge is not available, the 206 judge shall cover status conferences. The 209B and 206 judges shall cover motions as assigned by Court Administration.

B. Trials. The DAJ Case Coordinator, shall assign all misdemeanors and Class D felony trials to the 209B and 206 judges to the extent of their availability. If these judges are not available, the DAJ Case Coordinator shall contact the Felony Case Coordinator to assign the district judges in Room 209A and 208 as the next call for Class D felony and indictable misdemeanor trials. When these judicial resources are unavailable, the DAJ Case Coordinator may call the Civil Case Coordinator to assign misdemeanor and Class D felony trials.

C. Small Claims and Traffic Appeals. The Civil Division of the Polk County Clerk of Court shall assign all small claims and traffic appeals from the decisions of Polk County Magistrates to the Room 206 judge. The Room 206 judge shall share small claims appeals with the Room 209B judge on an equitable basis depending upon the availability of that trial judge.

D. Civil Trials. The Civil Case Coordinator may assign civil trials involving an amount in controversy of \$10,000.00 or less to the Room 209B and 206 judges on a case by case basis depending on their availability. However, coverage and criminal matters shall take priority.

6. The Criminal Courtrooms shall be assigned and scheduled as follows:

A. Criminal No. 1 Room 202A. DA01 (Driving Offense Court).

1 Case Assignment. All out-of-custody arraignments, pre-trial conferences, pleas, sentencings, motion hearings and all other proceedings in all indictable **OWI, (including OWI3rd) DWB and LUR** offenses as assigned by Court Administration. No trials.

2. Scheduling.

a. Case Coordinator. The DAJ Case Coordinator shall prepare the Order Following Arraignment for all arraignments including written arraignments. The DAJ Case Coordinator shall check for substance abuse evaluation and order on arraignments. DAJ Case Coordinator shall schedule motions for 202A on Tuesdays, Wednesdays (if needed) and Fridays. DAJ Case Coordinator shall schedule all the 1st pre-trial conferences and jury trials.

b. Court Attendant/Judicial Specialist. The Court Attendant/Judicial Specialist in 202A will schedule out of custody arraignments for 202A on calendar 2011. The Court Attendant/Judicial Specialist shall schedule bond forfeiture hearings. The Court Attendant/Judicial Specialist shall schedule continuances, 2nd pre-trial conferences, status conferences, trials, pleas, and sentencings, including continuances of jury trials.

c. Clerk of Court. For in person and written initial appearances, the Clerk of Court shall prepare the Hearing for Initial Appearance Form for the Judge in 202A. The Judge shall then complete and file the Order for the in-person initial appearances.

3. 202A Courtroom Schedule.

Monday	8:00-9:00	OWI arraignments
	8:30-12:00	OWI pleas and sentencings
	1:00 -2:00	Initial appearances
	2:00-4:30	OWI pleas and sentencings
	2:30-4:30	Last Monday of the month – Bond forfeiture hearings
Tuesday	9:00-12:00	Motions
	1:00-2:00	Initial appearances
	2:00-4:30	Motions
Wednesday	8:00-9:00	LUR AND DWB arraignments
	8:30-12:00	LUR AND DWB pre-trial conferences, pleas and sentencings
	1:00-2:00	Initial appearances
	2:30-4:30	Motions (as back up for 108)
Thursday	8:00-9:00	OWI arraignments
	9:00-12:00	OWI pre-trial conferences and status conferences
	1:00-2:00	Initial appearances
	2:00-4:30	OWI pre-trial conferences
Friday	8:00-12:00	Motions
	1:00-2:00	Initial appearances
	2:30-4:30	Motions

B. Criminal No. 2, Room 108. DA02 (Indictable Court).

1. Case Assignment. All out of custody, arraignments, pre-trial conferences, pleas, sentencings, motion hearings on drug cases and indictable offenses as assigned by Court Administration, bond forfeitures and all related proceedings in drug and indictable misdemeanor

cases. No trials. Civil mental health commitment hearings for out-of-custody defendants shall be scheduled on this docket. Jury demands and Motion and PTC/Status Conferences on simples.

2. Scheduling.

a. DAJ Case Coordinator. The DAJ Case Coordinator shall prepare the Order Following Arraignment for all arraignments including written arraignments. The DAJ Case Coordinator shall also schedule motions that require a hearing and check for substance abuse evaluation and fingerprint order on arraignments. DAJ Case Coordinator shall schedule motions in drug cases on Wednesday PM and Friday PM. Motions shall be scheduled on indictable for Monday PM. The DAJ Case Coordinator shall schedule all the 1st pretrial conferences and trials.

b. Court Attendant/Judicial Specialist. The Court Attendant/Judicial Specialist in 108 will schedule out of custody arraignments for 108 on calendar 2011. The Court Attendant/Judicial Specialist shall schedules continuance, 2nd pre-trial conferences, status conferences, pleas, and sentencings, including continuances of jury trials. The Court Attendant/Judicial Specialist shall schedule bond forfeiture hearings and modification of no contact order hearings.

c. Clerk of Court. The Clerk of Court shall schedule arraignment dates originating from jail court.

d. The County Attorney and the defense attorney assigned to the case **shall be present** for the status conference.

3. 108 Courtroom Schedule.

Mondays

Indictable Cases

8:00-9:00	Arraignments, pleas and sentencings
8:30-12:00	PTC, pleas and sentencings
1:30-4:30	Motions, (indictables) except last Monday of the month
2:30-4:30	Last Monday of the month, bond forfeitures

Tuesdays

Drug Cases

8:00-9:00	Arraignments, pleas and sentencings
8:30-12:00	PTC, pleas, sentencings and status conferences (P.D and Private Bar)
1:30-4:30	2 nd PTCs, pleas and sentencings, and status conferences (Private Bar)

Wednesdays

Drug Cases

8:00-12:00	Motions
1:30-4:30	PTC, pleas, sentencings and status conferences, 2 nd PTC, pleas and status conferences

Thursdays		<u>Indictable Cases</u>
	8:00-9:00	Arraignments, pleas and sentencings
	8:30-12:00	PTC, pleas and sentencings
	1:30-4:30	Status conferences on indictable cases and simple jury trial cases

Fridays		<u>Indictable Cases</u>
	8:00-9:00	Arraignments, pleas and sentencings
	8:30-12:00	PTC, pleas and sentencings
	1:30-4:30	Motions

C. Criminal No. 3, Room 211. DA03 (Preliminary Hearing/Probation Court)

1. Case Assignment. Probation revocation proceedings for indictable, and **OWI 3rd** ; no contact order violation hearings on **all indictable closed cases and simple closed cases**, including domestic abuse assault closed cases; all fine collection, restitution and payment plans under \$10,000.00; preliminary hearings; forfeiture and seized property hearings under \$5,000.00; formal bond reviews on indictables. No trials. The judge shall also sign all misdemeanor Trial Informations and fresh warrants on indictable cases.

2. 211 Courtroom Schedule

Monday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Out of custody probation hearings
Tuesday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Evidentiary probation hearings (indictables) for in and out of custody defendants
Wednesday	8:00-9:00	Preliminary Hearings
	9:30-12:00	Out of custody probation hearings
	1:30-4:30	Contempt hearings & VNCO hearings and modifications on ALL SMAC cases.
Thursday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Out of custody probation hearings
Friday	8:00-9:00	Preliminary Hearings
	9:00-12:00	Seized property scheduling conferences
	2:00-4:30	Seized property hearings

D. Criminal No. 4. Jail Court. DA04

1. Case Assignment. Judicial proceedings within the jurisdiction and assignment of the District Associate Court involving incarcerated persons shall without exception be held at the Polk County Jail unless due to statute, rule, procedural due process or other legal reason the judicial proceeding must take place in the Polk County Courthouse. District Associate Criminal No. 4 shall expedite judicial proceedings of all persons incarcerated in the Polk County Jail.

Criminal No. 4 shall conduct in custody felony and misdemeanor initial appearances, felony and misdemeanor arraignments, indictable misdemeanor and D felony pleas & sentencings (**OWI 3rd and Domestic Abuse only**), hearings on uncontested in-custody probation revocations on indictable misdemeanors, and civil mental health commitment hearings for in-custody defendants.

2. Scheduling.

a. Clerk of Court. The Clerk of Court on duty in the morning hours shall schedule all matters that originate in Jail Court during initial appearances to appropriate calendars. The Clerk of Court shall prepare the Hearing for Initial Appearance Form for the Judge in Jail Court.

b. Jail Court Case Coordinator. The Jail Case Coordinator shall schedule all matters that originate in Jail Court in the afternoon Court session. All matters that are to be scheduled in Jail Court shall be done through the Jail Court Case Coordinator or other Case Coordinators on approved scheduling orders.

3. Jail Court Courtroom Schedule

Monday thru Friday: 8:00 – 10:30- Initial Appearance

10:30- 11:00 Felony Arraignments

11:00-12:00 PV Hearings / PTC/ Competency Hearings

1:30-2:00 Expedited Arraignments

2:30-4:30 Pleas/Sentencings

4. Mail. All mail originating from incarcerated persons in the Polk County Jail addressed to the Court or Clerk of Court shall be attended to by District Associate Criminal #4 in Jail Court. Such mail addressed to a named Judge shall be attended to by the named Judge.

E. Criminal No 5, Courtroom 102. **DA05, Class D Felony Probation and Class D Felony and Indictable Domestic Abuse Assault cases.** Judge William Price shall occupy Room 102 effective May 14, 2018. The Case assignment and schedule ordered herein shall be **effective Monday June 4, 2018.**

1. Case Assignment. **All Class D Felony probation violation hearings, except for OWI and PCS,** shall be scheduled on this docket. All indictable and Class D felony Domestic

Abuse Assault arraignments, PTC, status conferences and motion hearings (except on closed cases) will be scheduled on this docket.

Monday	8:00 – Noon	Contested Probation Hearings (Class D Felony, except as set forth above) (Set one per hour)
	1:30 – 4:30	PTC on First Round Class D Probation Violations (Set every 15 min)
Tuesday	8:00 – Noon	Contested Probation Hearings (Class D Felony, except as set forth above) (Set one per hour)
	1:30 – 4:30	PTC on First Round Class D Probation Violations (Set every 15 min)
Wednesday	<u>Domestic Abuse Assault, including D Felony</u>	
	8:00-9:00	Arraignments, pleas and sentencings
	8:30-10:00	PTC, pleas and sentencings
	10:00-12:00	Status conferences
	1:30-4:30	VNCO and modifications in ALL SRCR, AGCR, and FECR cases
Thursday	8:00 – Noon	Class D - Probation Evidentiary and Probation Disposition Hearings (Set one per hour)
	1:30 – 4:30	Class D PTC on First Round Probation Violations (Set every 15 min)
Friday	AM & PM	Motions

2. Scheduling.

a. District Court Case Coordinator. The District Court Case Coordinator shall prepare the Order Following Arraignment for all arraignments including written arraignments for Courtroom 102. The District Court Case Coordinator shall schedule motions that require a hearing, pleas, sentencings and PTCs, and probation violations for Courtroom 102. The District Court Case Coordinator shall also check for substance abuse evaluation and fingerprint order on arraignments.

b. Court Attendant/Judicial Specialist. The Court Attendant/Judicial Specialist in 102 will schedule modifications and continuances.

c. Clerk of Court. The Clerk of Court shall schedule arraignment dates and VNCOs originating from jail court.

E. Assignment of Class D felony matters.

1) District Court Criminal No. 1 (DCC1). Class D felony in and custody pleas, sentencings, and probation revocation proceedings (not including felony domestic abuse, OWI 3rd and drug offenses) are assigned to the District Judge in Room 204. In custody arraignments shall remain in jail court. DCC1 judge shall sign all Trial Informations that have an FECR number. Requests for search warrants shall be presented to the judge assigned to this docket. If the judge is unavailable, then the warrant may be presented to the District Associate Judge in 102.

2) District Court Drug Docket (DCC4). Class D felony drug in and out custody pleas, sentencings, and probation revocation proceedings are assigned to the District Judge in Room 207.

3) Probation Revocation Proceedings. Upon the filing of a Report of Violations regarding Class D felony offenders, the Department of Correctional Services shall review the case for expedited disposition. Violations that cannot be resolved shall be scheduled for pre-trial conference within seven (7) days for felonies **except OWI 3rd** in Room 102. **OWI 3rd** Probation Violations shall be scheduled in Room 211. Class D felony **PCS** probation violations shall be scheduled in Room 207. All other probation violations on indictable misdemeanors shall be scheduled in Room 211.

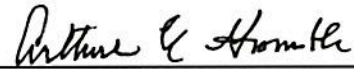
The probation officer assigned to the case shall appear for the pre-trial with authority to resolve the violation. These pre-trial conferences shall be meaningful events. Violations that cannot be resolved at the pre-trial shall be scheduled for evidentiary hearing at the earliest possible date.

F. Calendar 2011. This calendar is used to schedule indictable misdemeanor arraignments for courtroom 202A and 108, and out of custody initial appearances. The Jail Clerk of Court on duty in the morning hours will schedule all matters that originate in Jail Court during initial appearances. The Jail Case Coordinator will schedule all matters that originate in Jail Court in the afternoon Court session. The 202A Court Attendant/Judicial Specialist will schedule arraignments from out-of-custody initial appearances and written appearances.

6. District Associate Court Judges of Election Districts 5A and 5B shall be assigned to cover Polk County District Associate Court from time to time as necessary. Likewise, District Associate Court Judges of Election District 5C, Polk County, shall be assigned to cover District Associate Court in 5A and 5B as needed.

7. District Associate Judge Cynthia Moisan shall serve as Presiding District Associate Judge.

DATED this 15th day of May 2018.



ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:

Chief Justice Mark Cady, Iowa Supreme Court
Liaison Justice David Wiggins, Iowa Supreme Court
State Court Administrator, Todd Nuccio
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
Posting on Judicial Branch Website
John Sarcone, Polk County Attorney
Val Wilson, Adult Public Defender
K. Miller, Juvenile Public Defender
Jerry Evans, Department of Corrections

**2018 POLK DISTRICT ASSOCIATE JUDGE ROTATION
EXHIBIT "A" to Administrative Order 2017-13**

ASSIGNMENT	Jan, 2018	July, THRU 2018	July, 2018	Jan, THRU 2019	Jan, 2019	July, THRU 2019
Criminal # 1 (Drivers Court) Courtroom 202A		Coppola		Brandt		Price
Criminal #3 (Probation) Courtroom 211		Goettsch		Coppola		Brandt
Criminal #2 (Indictables) Courtroom 108		Egly		Goettsch		Coppola
Trial Judge Courtroom 209B		Moisan		Egly		Goettsch
Criminal #4 Jail		McGhee		Moisan		Egly
Criminal #5 Courtroom 102		Price		McGhee		Moisan
Civil Courtroom 206		Brandt		Price		McGhee
Juvenile Courtroom 210 Justice Center		Witt		Witt		Witt
Juvenile Courtroom 220 Justice Center		Belcher		Belcher		Belcher
Juvenile Courtroom 230 Justice Center		Poschner		Poschner		Poschner
Juvenile Courtroom 240 Justice Center		Seidlin		Seidlin		Seidlin
Juvenile Courtroom 250 Justice Center		Seymour		Seymour		Seymour
Juvenile Courtroom 260 Justice Center		Cox		Cox		Cox

Administrative Order 2017-13

Exhibit "B"

DATES	1-18	7-18	1-19	7-19	1-20	7-20	1-21	7-21	1-22
Criminal 1 Rm. 202A	Coppola	Brandt	Price	McGhee	Moisan	Egley	Goettsch	Coppola	Brandt
Criminal 3 Rm. 211	Goettsch	Coppola	Brandt	Price	McGhee	Moisan	Egley	Goettsch	Coppola
Criminal 2 Room 108	Egley	Goettsch	Coppola	Brandt	Price	McGhee	Moisan	Egley	Goettsch
Trials Rm 209B	Moisan	Egley	Goettsch	Coppola	Brandt	Price	McGhee	Moisan	Egley
Criminal 4 Jail	McGhee	Moisan	Egley	Goettsch	Coppola	Brandt	Price	McGhee	Moisan
Class D/Misd/102	Price	McGhee	Moisan	Egley	Goettsch	Coppola	Brandt	Price	McGhee
Civil Room 206	Brandt	Price	McGhee	Moisan	Egley	Goettsch	Coppola	Brandt	Price
Juvenile	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW	Rm 210 JC CW
Juvenile	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB	Rm 220 JC RB
Juvenile	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP	Rm 230 JC LP
Juvenile	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS	Rm 240 JC JS
Juvenile	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS	Rm 250 JC RS
Juvenile	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC	Rm 260 JC SC

RB = R. Belcher GB = G. Brandt CC = C. Coppola SC = S. Cox CE = C. Egley BG = B. Goettsch
 OM = O. McGhee CM = C. Moisan LP = L. Poschner WP = W. Price JS = J. Seidlin RS = R. Seymour CW = C. Witt